

*Page 3*  
*C. R. Pw. 10*

**\*OGC Has Reviewed\***

24 August 1956

**MEMORANDUM FOR:** Acting DD/S

**SUBJECT:** Exemptions from the Annual and Sick Leave Act

1. In considering the Senior Executive positions recently established by the Director, Colonel White asked that we advise him on possible exemption of these positions from the Annual and Sick Leave Act. At present certain positions are specifically exempted by the Act and others by Executive Order. Thus the Director comes within the terms of the Act, and the Deputy Director was exempted by Executive Order 10540 pursuant to the Act.

2. The theory is that very senior officers are actually on duty at all times, including periods of vacation or sickness, and, therefore, attendance and leave records are not applicable. Also it follows that there would be no lump sum payments for unused leave on separation.

3. It seems clear to us that persons in the Senior Executive Pay Scale could be exempted from the Annual and Sick Leave Act but only by specific inclusion in an Executive Order for this purpose. We have not sought to determine whether it would be appropriate to seek such exemption for this group or what equivalent positions elsewhere in government might have been exempted, and you may wish to have Personnel look into this. If, however, you want us to go further, we would be glad to do so.

Lawrence R. Houston  
General Counsel

OGC/IRH:mec

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